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Serial No. 10/811,921

REMARKS

Claims 3 - 5, 7, 8, 11 - 13, 15, 16, 18, 20 and 21 - 23 are pending, with claims 3 and 5 having been amended above, with claims 1, 2, 6, 9, 10, 14, 17, and 19 having been canceled above, and with new claims 21 - 23 having been added above.

Claims 3 and 4, as well as the claims dependent therefrom (namely, claims 7 - 8, 11 - 12, 15 - 16, 18 and 20) stand rejected under 35 U.S.C. 112, second paragraph, on the basis that claim 3 does not set forth the 'metes and bounds' of the claimed invention. According to the rejection, the wording "in combination" makes it unclear what unrecited additional components would be excluded from the scope of the claim. Because dependent claim 4 introduces additional components to the combination as claimed in the parent claim (thus making claim 4 more narrow than claim 3), it is the Examiner's position this renders the scope of the claims (presumably of claim 3 and claim 4) unascertainable (for reasons not explicitly stated and not understood by the undersigned). In response to this rejection, the undersigned points out that claim 3 is to be interpreted by the U.S. Patent and Trademark Office (i.e., before the patent issues) as broadly as possible without misconstruing the claim language. Thus, in the event that the Examiner finds prior art that includes all the recited elements of claim 3 in a single prior art reference, such prior art reference would anticipate the invention of claim 3. It matters not what additional elements the prior art contains, since the issue is whether the prior art includes all the elements claimed in claim 3. Claim 4 is more narrow than claim 3 in that an apparatus would be required to also include the additional element as recited in claim 4 before claim 4 would be infringed. Thus, the issue that the Examiner should be concerned with is not what is excluded from the claim boundary of claims 3 and 4, but rather what is included within the claim boundary of claims 3 and 4. Thus, it is respectfully requested that the rejection of claims 3 and 4 for not being in compliance with the requirements of 35 U.S.C. 112, second paragraph, be reconsidered and withdrawn. In addition, it is requested that the rejection of claims 7 - 8, 11 - 12, 15 - 16, 18 and 20 that depend from claim 3 (either directly or indirectly) be reconsidered and withdrawn. In the event the rejection is maintained, it is requested that the Examiner's rationale in making the rejection be more clearly stated.

Claims 5 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over

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Nomiyama (JP 2000-249915) in view of Harris (U.S. 5,486,694). Reconsideration of this rejection is respectfully requested in view of claims 5 and 13 having been amended above. With regard to claim 5, it has been amended so as to no longer be dependent on a rejected claim, and additionally it has been amended at lines 15 - 19 so as to distinguish over the combined teachings of Nomiyama and Harris. Support for the limitations added at lines 15 - 19 of claim 5 can be found in the specification as filed in the paragraph at page 4, lines 19 - 26, and in the paragraph spanning pages 7 and 8. In the latter paragraph, it is stated:

"Using a laser array imaging lens having a two lens component construction, wherein the light rays that are situated in the vicinity of the center of each luminous flux from each laser element intersect between the first lens component 21 and the second lens component 22, enables the correction of aberrations to become easy as compared to using a laser array imaging lens having a single lens component construction. . . . Furthermore, it is preferable that the above-mentioned common region where the light rays intersect is substantially at a point on the optical axis of the laser array imaging lens".

As the combined teachings of Nomiyama (JP 2000-249915) in view of Harris (U.S. 5,486,694) do not teach the limitations claimed at lines 15 - 19 of claim 5, it is respectfully requested that the rejection of claim 5 be reconsidered and withdrawn. With regard to claim 13, as claim 13 depends from claim 5, it should be allowable at least for including (by reason of its dependency), the limitations at lines 15 - 19 of claim 5. Thus, it is respectfully requested that the rejection of claim 13 also be reconsidered and withdrawn.

Claims 3, 4, 7 - 8, 11 - 12, 15 - 16, 18 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nomiyama in view of Imakawa et al. (US 5,671,077). Reconsideration of this rejection is respectfully requested on the basis that base claim 3 has been amended to require a more narrow range for the ratio of: $L / (D_{21} \cdot (1 - 1/M))$. Support for this more narrow limitation can be found in the specification as filed at page 13, line 11 (i.e., Condition (4)). Neither Nomiyama or Imakawa et al, alone or in combination, suggests such a more narrow range for this ratio. Therefore, it is respectfully requested that the rejection of claims 3 (as well as the rejection of claims 4, 7 - 8, 11 - 12, 15 - 16, 18 and 20 that, directly or indirectly, depend from claim 3 and thus include its limitations) be reconsidered and withdrawn.

New claims 21 - 23 have been added. As claim 21 is dependent from claim 5, it should be allowable over the prior art of record at least for the reason, mentioned above, that claim 5

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should be allowable. New claim 22 distinguishes over the prior art of record by the limitation stated in the condition. New claim 23 distinguishes over the prior art of record by the limitations stated in lines 14 - 20.

Having argued that the rejection of claims 3 and 4 under 35 U.S.C. 112, second paragraph, is improper, having amended claims 3 and 5 so as to no longer be unpatentable based on the prior art of record, and having added new claims 21 - 23 and pointed out the manner in which these new claims distinguish over the prior art of record, it is requested that, unless more pertinent prior art is found, an early Notice of Allowability be provided.

A three-month extension of time in which to reply to the Office Action is requested. Attached is a Fee Transmittal (Form PTO-SB/17 - and a duplicate copy) authorizing payment from Deposit Account No. 01-2509 of the three-month extension fee and the fee for one additional independent claim in excess three independent claims. It is believed that no additional fees are due, since the total number of active claims is less than 20. However, if this is not the case, please charge any additional fee(s) needed to Deposit Account No. 01-2509.

Respectfully submitted,

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Attachment: Fee Transmittal Form PTO/SB/17 (and a duplicate copy)